

REMARKS

Applicant appreciates the thorough examination of the present application that is reflected in the Official Action of July 21, 2008. In response, in order to advance the present application to allowance, Claims 1-10, 17-30, 34-48 and 55-61 have been canceled. Moreover, remaining independent Claims 11, 31 and 49 have been amended extensively to further clarify patentability over U.S. Patent 7,099,837 to Weibel et al. ("Weibel") in view of Applicant's Background of Invention, in further view of Official Notice, and in further view of any of the tertiary references that were cited. Accordingly, Applicant respectfully requests withdrawal of the outstanding rejections and allowance of the present application for the reasons that will now be described.

In particular, Claims 11, 31 and 49 are method, system and computer program analogs of one another. Accordingly, only Claim 11 will be discussed herein. However, Claims 31 and 49 are patentable for at least the same reasons.

Claim 11 recites a business directory advertisement billing method comprising:

...electronically accessing an electronically linked electronic image of a business directory advertisement that was sold by a third party Customer Marketing Representative (CMR) for a business directory publisher to a CMR customer and a CMR electronic invoice for the business directory advertisement that was sold by the CMR to the CMR customer, in response to granting access to the electronically linked electronic image and electronic invoice by the business directory publisher, the CMR electronic invoice comprising an electronic spreadsheet having data fields therein;.... (Emphasis added.)

Support for the above-underlined claim amendments may be found, for example, at Page 7, lines 5-11.

The Official Action concedes, in the paragraph bridging Pages 8 and 9 of the Official Action, that Weibel fails to disclose generating an electronic spreadsheet that contains the electronic invoice for the advertisement. However, the Official Action takes Official Notice that it is old and well known in the art to generate electronic spreadsheets that contain financial data. Applicant respectfully submits, however, that Figure 1 of Weibel illustrates "a billing statement document according to the present invention" (Weibel Column 2, lines 25-26) that is clearly not a spreadsheet. Moreover, the digital billing statement of Figure 5 of Weibel also clearly is not a spreadsheet, as noted in Weibel Column 3, lines 5-9:

Referencing FIG. 5, the billing statement or invoice **10** has a customer identifier **32** which may be the same as a customer identifier **34**

in the publication database **16** or the two customer identifiers may be cross referenced in the billing statement application **14**.

Accordingly, by describing the specific appearance and specific elements of an electronic invoice, Weibel teaches away from the use of a spreadsheet therefor. As recently noted by the U.S. Supreme Court in *KSR Int'l Co. v. Teleflex Inc.*, 550 U. S. 1 (2007), when the prior art teaches away from combining certain known elements, discovering of a successful means of combining them is more likely to be nonobvious. *Id.* at 12.

Claim 11 has also been amended to recite:

...generating a customer electronic invoice for the business directory advertisement that was sold by the CMR to the CMR customer, from the CMR electronic invoice for the business directory advertisement that was sold by the CMR to the CMR customer by adding an additional data field to the data fields in the electronic spreadsheet and/or by altering a data field in the electronic spreadsheet;... (Emphasis added.)

Support for these amendments may be found, for example, at Page 9, lines 4-21 of the specification of the present application.

These amendments highlight the fact that amended Claim 11 recites far more than just using a spreadsheet as an electronic invoice. Rather, by using the spreadsheet, a two-tiered operation may be provided wherein the original electronic invoice including a spreadsheet having data fields is first generated by a business directory publisher and is provided to a CMR. The customer electronic invoice is then generated by the CMR for the CMR customer by adding an additional data field to the data fields in the electronic spreadsheet and/or by altering a data field in the electronic spreadsheet.

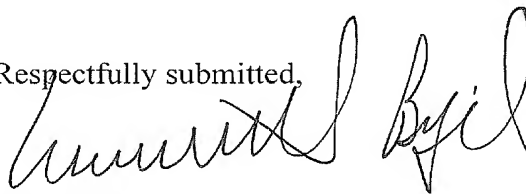
Thus, as described, for example, at Page 9, lines 4-21 of the present application, commission may be added or fields may be modified to reflect a discount, by manipulating the data fields in the electronic spreadsheet that is received from the directory publisher. A new form need not be generated by the CMR, and data need not be reentered by the CMR. Accordingly a CMR may paperlessly bill its customer using the electronic tear page that was provided by the business directory publisher by generating a customer electronic invoice from the CMR electronic invoice that was provided by the business directory publisher.

Weibel does not describe or suggest the use of a spreadsheet, and certainly does not describe or suggest adding an additional data field to the data fields in the electronic spreadsheet and/or altering a data field in the electronic spreadsheet that was provided by the CMR. Neither does Applicant's Background of Invention. Moreover, notwithstanding the

Official Notice that spreadsheets are well known, the independent existence of spreadsheets does not suggest the two-tiered operation, as recited in amended Claim 11. For at least these reasons, Claim 11 is patentable over Weibel in view of Applicant's Background of Invention, in further view of Official Notice and in further view of any of the other tertiary references. Similar analysis applies to Claims 31 and 49. The dependent claims are patentable at least per the patentability of the independent claims from which they depend.

In conclusion, most of the claims have been canceled, and the remaining independent claims have been extensively amended to highlight a two-tiered spreadsheet operation that may be used to bill for business directory advertisements. Accordingly, Applicant respectfully requests withdrawal of the outstanding rejections and allowance of the present application. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,



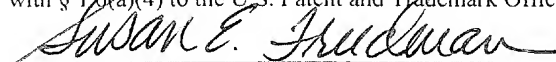
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Susan E. Freedman
Date of Signature: October 21, 2008